IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6915 of 2004

Between:

P.S.Murthy, S/o.Late Butchi Babu,
R/o.Ocean View Layout, Plot No.2, Beach Road, Visakhapatnam.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Endowments) Department,
A.P. Secretariat, Hyderabad.
2 The Secretary to Government, YAT & (T) Department, Government of Andhra Pradesh, Hyderabad.
3 A.P.Tourism Development Corporation Limited, Rep. by its Chairman and Managing Director, Hyderabad.
4 Tirumala Tirupathi Devasthanams, rep. by its Executive Officer, Tirupathi.
5 The Board of Trustees, rep. by its Chairman, Tirumala Tirupathi Devasthanams, Tirupathi.
6 Union of India, Ministry of Wildlife Protection, Rep. by its Secretary, Ydyog Bhavan, New Delhi.
7 Ministry of Forest and Environment, Rep. by its Secretary, Udyog Bhavan, New Delhi.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of

Mandamus declaring the action of the respondents in converting/changing the religious character of place of worship to that of Tourist spot by means of executing lease deed dated 27-2-2003 bearing document No.1811 registered on 27-3-2003 in the office of the Joint Sub-Registrar, Tirupathi as arbitrary, illegal, unconstitutional, against public policy and contrary to The Places of Worship (Special Provisions) Act, 1991.

Counsel for the Petitioner:MR.K.RAGHAVA CHARYULU

Counsel for the Respondent Nos 1&2.: The Advocate General & GP for Revenue

Counsel for the Respondent No.3 : Mr.Nandigam Krishna Rao.

Counsel for the Respondents 4&5: Mr.Adinarayana Raju, SC for TTD

Counsel for the Respondents 6&7: Mr.A.Rajasekhara Reddy, SC for CG

The Court made the following :

ORAL ORDER: (per Sri BRSR.J)

The learned Advocate General appearing on behalf of the State made available a copy of the resolution passed by the Tirumala Tirupathi Devasthanam(TTD) in Resolution No.349 dated 15&16.10.2004 which is to the following effect.

> "The Board in its Resolution No.180, dated 22&23.7.2004 resolved as follows: "AWAIT COURT DECISION"

> Meanwhile, the TTD Standing Counsel of Hyderabad has informed that Hon'ble High Court of A.P. wanted to know from TTD whether it would like to take any decision on the matter or not. The office has also received the orders of the Hon'ble High Court dated 5.10.2004 where under it directed the TTD to take clear stand and file an affidavit in this regard.
>
> Therefore, the matter is placed before the TTD board to take decision on the matter so as to inform the same to the Hon'ble High Court of A.P.
>
> Res.No.349 dt.15&16.10.2004
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>
> "Keeping the interest of the TTD in mind, it is resolved to cancel the lease agreement entered into and look the entire issue afresh."

The resolution passed by TTD on 15 & 16.10.2004 is self -explanatory. The TTD appears to have realized that the lease deed executed by it on 27.2.2003 in favour of the A.P.Tourism Development Corporation Limited is not in the interest of the TTD. In view of the decision taken by the TTD, the lease deed dated 27.2.2003 executed by the TTD in favour of A.P.Tourism Development Corporation Limited has become void and inoperative. The lease deed has thus become unenforceable. In view of the decision taken by the TTD, the questions raised in the writ petition do not require any adjudication as such.

The writ petition is accordingly disposed of duly declaring the lease deed dated 27.2.2000 to be void and inoperative. There shall be no order as to costs.

(B.SUDERSHAN REDDY,J)

DATED 01.11.2004

(K.C.BHANU,J)

msv.

To

1 The Principal Secretary, Revenue (Endowments) Department Government of Andhra Pradesh,
A.P. Secretariat, Hyderabad.
2 The Secretary to Government, YAT & (T) Department, Government of Andhra Pradesh, Hyderabad.
3 The Chairman and Managing Director, A.P.Tourism Development Corporation Limited, Hyderabad.
4 The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi.
5 The Chairman, Board of Trustees, Tirumala Tirupathi Devasthanams, Tirupathi.
6 The Secretary, Union of India, Udyog Bhavan Ministry of Wildlife Protection, , New Delhi.
7 The Secretary, Ministry of Forest and Environment, Udyog Bhavan, New Delhi.

8. Two CCs to the Advocate General, High Court of A.P Hyd (OUT)

9. 2CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT)

10. 2CD copies